IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4374 OF 2007
IN
APPEAL NO.877 OF 2002

Bombay Diocesan Trust Association .. Appellant
V/s
The Mun.Corporation of Gr.Bombay & Ors. .. Respondents

Mrs.Vaishali V.Thorat for the Appellant.
Mr.Shaikh for Respondent No.1.
Mr.A.C.Singh i/by Mr.D.R.Shah for Respondent No.2.

CORAM : DR.S.RADHAKRISHNAN, &
ANOOP V.MOHTA, JJ.

DATE : 7th December, 2007.

P.C.:

1. Heard the learned Counsel for the partries. By this Notice of Motion, the Appellant is seeking to recall the order dated 23.10.2007 whereby the Appeal was dismissed in default. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling of the order dated 23.10.2007. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Hence the Notice of Motion is made absolute in terms of prayer clause (a).

2. Place the Appeal on board for final hearing on 14.1.2008.

(ANOOP V.MOHTA, J.) **(DR.S.RADHAKRISHNAN, J.)**